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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,289	10/16/2003	Ary S. Chernomorsky	RUBI5873CIP	9198

22430 7590 01/10/2008
YOUNG LAW FIRM, P.C.
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SUITE 106
PORTOLA VALLEY, CA 94028

EXAMINER

HENLEY III, RAYMOND J

ART UNIT	PAPER NUMBER
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1614

MAIL DATE	DELIVERY MODE
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01/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10688289	10/16/03	CHERNOMORSKY ET AL.	RUBI5873CIP

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EXAMINER

Raymond J. Henley III

ART UNIT

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20080105

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Commissioner for Patents

NOTICE OF NON-RESPONSIVE AMENDMENT

The reply filed on October 22, 2007 is not fully responsive to the prior Office Action because of the following matter: Applicant's elected species, where a "radioactive" element is identified appears to either be (i) an inadvertent misspelling of "radiopaque" or (ii) an actual intention to include a radioactive compound, such as provided by the disclosure at page 36, lines 6-9 "...the post-biopsy treatment implant may incorporate some radiopaque compound or particles such as, for example barium sulfate or other commonly used radiopaque or radioactive materials."

The Examiner raises this question because a radioactive element is not an expressly claimed element and, as such, was not identified by the Examiner in the previous Office action. Also, given that all elected claims, i.e., 1-60, require a radiopaque element while Applicants' election does not include at least a radiopaque element, none of the claims would read on the elected subject matter.

Clarification and a proper election is required.

Attached hereto are completed PTO/SB/08a/b forms indicating that the cited references have been considered.

See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Raymond J. Henley III
Raymond J. Henley III
Primary Examiner
Art Unit: 1614

703-272-0575